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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,363	04/07/2004	Randy Salo	990601C1	7617

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QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

EXAMINER

PRIETO, BEATRIZ

ART UNIT PAPER NUMBER

2142

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/820,363

Applicant(s)

SALO ET AL.

Examiner

Prieto B.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### ***Detailed Action***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: a variant array 807 as described on page 22, paragraph [0099] is not shown on Fig. 8. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. Regarding Amendment to the specification filed 4/07/04 requesting the inserting of text “under Background of the Invention”. Amendment to the specification as filed 4/07/04 is objected to due to the following informality: If applicant desires to claim the benefit of a prior-filed application under 35 U.S.C. 119(e) or 120, a specific reference to the prior-filed application in compliance with 37 CFR 1.78(a) must be included in the first sentence(s) of the specification following the title or in an application data sheet. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 17, 19, 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(i) in claim 17, 26 and 27: the phrase “higher level” in the limitation “a single higher level request” is a relative term, which renders the claim indefinite. Specifications disclose communication between a stub and a proxy objects as being a higher level less messaging intense protocol between objects, wherein a single aggregated request is generated and transmitted, received and converted in to the appropriate calls and returned in similarly aggregated form in a response. For the purposes of examination broadest reasonable interpretation in-light of the specifications will be applied. See MPEP §2181.

(iii) in claim 19: limitation recites, encrypting the data transmitted over the public network so as to form a virtual network (VPN) between the enterprise gateway and the remote gateway server. It is not

clear how the encryption of transmitted data, can render a virtual private network. For the purposes of examination broadest reasonable interpretation to the claimed language will be applied.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et. al. (Hill) U.S. Patent No. 5,511,197 in view of Collaboration Data object: Using E-mail in your application, Krell et. al. (Krell).

Regarding claim 17, Hill teaches features of the disclosed invention substantially as claimed, teaching a method in a client/server computer network environment (col 5/lines 39-43, via a communication network, col 24/lines 25-26);

converting a plurality of data requests for services into a single object-oriented based request and transmitting said single object-oriented based request (many client request/packing/sending in an inter-process communication message, col 1/lines 22-40, e.g. marshalling or packing col 8/lines 19-34);

receiving said single object-oriented based request and converting said single object-oriented based request to the plurality of data request (unpacking/returning, col 1/lines 22-40, e.g. unmarshalling or unpacking, col 5/lines 50-54, 60-col 6/line 10, communication protocol between objects (higher level communication), col 25/lines 18-22);

converting a plurality of data response into a single object-oriented based response (e.g. marshalling or packing by the server) and transmitting said single object-oriented based response (col 7/lines 3-11, marshalling of the server, unpacking, invoking, packing and transmitting return, col 14/lines 35-55, table 2);

receiving said single object-oriented based response and converting into a plurality of data responses (e.g. unmarshaling or unpacking by the client, col 7/lines 11-18); however Hill does not explicitly teach where the above intercommunication between hosts (the so called enterprise gateway servers); where response to said plurality of data request is from a host (the so called message server) hosting request messaging and collaboration data.

Krell teaches computer nodes requesting through a gateway exchange server (Figs. on page 2) messaging and collaboration data; where the responding to said plurality of data request is provided by a message server (Mail server) connected to the gateway exchange server, said message server hosting request messaging and collaboration data (fig. on page 3, folder lists); wherein a high-level object containing lower-level object are created in order to access an object at a lower level; wherein an access methods are converted into a simple method call using COM object, generating a message that contains a plurality of requests (i.e. get methods) which are utilized to for requesting messages and collaboration data, see an overview of CDO section on pages 2-3, access to all the data managed by an underlying email system, page 5, 4<sup>th</sup> paragraph, packing/unpacking arguments in a special format, and page 4-5, page 10, convert, invoke, pack, and return).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to implement the above teachings between computer nodes is between a requesting (i.e. client) enterprise gateway server and a remote providing (i.e. server) gateway server; where the responding to said plurality of data request converted by the remote gateway server is at a message server connected to the remote gateway server through a private data network, said message server hosting request messaging and collaboration data for telecommuters, e.g. work at home employee, enable a worker to dynamically select what information from his desktop (e.g. outlook) is to be accessed, (e.g. requested to the message server via the gateway and returned by the message server to the gateway to be returned to requester) in easy-to-use environment that incurs in less overhead and is independent of the programming language resulting in a high performance, as taught by Krell.

7. Claims 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et. al. (Hill) U.S. Patent No. 5,511,197 in view of Collaboration Data object: Using E-mail in your application, Krell et. al. (Krell) in further view of West et. al. (West) U.S 6,081,508.

Regarding claims 18-21, however the above teachings do not explicitly teach where encrypting the data transmitted over the data network (i.e. public network) and establish a virtual network (VPN) between the enterprise gateway and the remote gateway server by which the remote computer generating said plurality of data request can communicate on the enterprise network as if it were directly connected;

West teaches encrypting data transmitted over a public network (120) so as to form a virtual private network (VPN) between an enterprise gateway (330) and remote gateway server (322, 326), remote computer 100 can communicate on enterprise network (LAN 340) as if it were directly

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connected, using a variety of Internet-based communication protocols, this type of connection is termed a "virtual private network" (VPN) because remote computer 100 is virtually on said LAN 340 (col 8/lines 40-56); PPTP (col 9/lines 40-50), IPSEC (col 8/lines 40-56).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to further encrypt the data transmitted over the data network (i.e. public network) via a virtual network (VPN) between the enterprise gateway and the remote gateway server, as taught by West, motivation would be reduce the complexity for a remote computer user when accessing corporate network system and mail servers over networks such as Wan, LAN and Internet, as suggested by West.

Regarding claim 22, email (Krell, Fig. on page 3).

Regarding claim 23, private network (Fig. 1, 125, Fig. 3, 340).

Regarding claims 24-25, distributed component object model requesting entity (proxy object program 303) on client and providing entity stub object program (302) on server (Hill: col 5/lines 60-66).

Regarding claims 26-27, substantially the same as discussed claim 17, rejected for obviousness under U.S.C. 103, this same rationale is also applied to method claim 26.

### ***Double Patenting Rejection***

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided

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the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 17-27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,609,148 in view of Collaboration Data object: Using E-mail in your application, Krell et. al. (Krell).

Although the conflicting claims are not identical, they are not patentably distinct from each other for the following reasons: (i) all the functional limitations of the method claim (17) of instant application are extant in claim 1 of the patent, i.e. converting, transmitting, receiving, converting, and providing, the difference is that in the patent a messaging server is hosting the provided messaging and collaboration data. Furthermore, claims 18-25 of instant application are the same as claims 2-7 of the patent.

Krell teaches computer nodes requesting through a gateway exchange server (Figs. on page 2) messaging and collaboration data; where the responding to said plurality of data request is provided by a message server (Mail server) connected to the gateway exchange server, said message server hosting request messaging and collaboration data (fig. on page 3, folder lists); wherein a high-level object containing lower-level object are created in order to access an object at a lower level; wherein an access methods are converted into a simple method call using COM object, generating a message that contains a plurality of requests (i.e. get methods) which are utilized to for requesting messages and collaboration data, see an overview of CDO section on pages 2-3, access to all the data managed by an underlying email system, page 5, 4<sup>th</sup> paragraph, packing/unpacking arguments in a special format, and page 4-5, page 10, convert, invoke, pack, and return).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to implement the above teachings between computer nodes is between a requesting (i.e. client) enterprise gateway server and a remote providing (i.e. server) gateway server; where the responding to said plurality of data request converted by the remote gateway server is at a message server connected to the remote gateway server through a private data network, said message server hosting request messaging and collaboration data for telecommuters, e.g. work at home employee, enable a worker to dynamically select what information from his desktop (e.g. outlook) is to be accessed, (e.g. requested to the message server via the gateway and returned by the message server to the gateway to be returned to requester) in easy-to-

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use environment that incurs in less overhead and is independent of the programming language resulting in a high performance, as taught by Krell.

**Citation of Pertinent Art:**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; Copies of documents cited will be provided as set forth in MPEP§ 707.05(a):

Network Performance Effects of Http/1.1, CSS1, and Png, Nielsen, H. F., World Wide Web Consortium, ACM 0-99791-908-X/97-0009.

Nielsen teaches persistent connection which allows multiple request and response can be sent out in a single TCP segment, request may include a plurality of request in one packet underlined under HTTP (HTTP 1.1) communication protocol (i.e. a higher level protocol request), this both persistent connection and pipelining batch methods enable embedding multiple request the same TCP request on a single connection.

Using Distributed COM with Firewalls, Nelson, M., last date updated 3/99;

Nelson teaches the distributed component object model to work through firewalls.

Introduction to Collaboration Data Objects, Microsoft Corp, 11/97;

Active Messaging 1.1 library shipped with Microsoft Exchange supports messaging and access to areas of calendaring, collaboration and workflow. CDO 1.2 is a scripting-object library designed for collaborative application on both the client and sever side., it supports caching and is accessed through Exchange 5.5, therefore enable access to email systems, CDO 1.2 can handle multiple concurrent sessions and a large number of users, to provide access to calendaring and email data via a single access method, e.g. a GetDefault method provides access to a user's inbox, outbox, calendar folder, task folder, contact folder, personal address book and global address list.

Seamless VPN, Kayashima, M.; Koizumi, M.; Fujiyama, T.; Terada, M.; Hirayama, K., Hitachi Ltd., Japan, ISOC, Conferences, 97 Proceedings, July 1997.

VPN construction methods for private networks over the Internet, based on multiple-firewall environment consisting of a transport layer gateway program. To provide secure communication on the Internet ISPEC technology is used. VPN is arranged as entities that have both data encryption/decryption and authentication functions, these entities are installed in the gateways or usually installed in the firewall server or router. Network layer VPN use IPSEC and/or PPTP technology.

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Anders teaches the transmission of a plurality of data requested in a packed single high level HTTP-based message, receiving and unpacking and preparing a response using the similar reverse procedure.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Thursday from 5:30 to 2:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

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Or Telephone:

(571) 272-2100 for TC 2100 Customer Service Office.

*Beatriz Prieto*  
BEATRIZ PRIETO  
PRIMARY EXAMINER